

Approved 10.22.13

WENHAM BOARD OF SELECTMEN
Meeting of Tuesday August 20, 2013
Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen was held on Tuesday, August 20, 2013 at 7 pm.

With a quorum present, Mr. Whittaker called the Board of Selectmen meeting to order at 7 pm.

Selectmen Present: Ken Whittaker, Chair; Jack Wilhelm, Secretary; Patrick Wilson, Vice Chair participated remotely.

Also Present: Mark Andrews, Town Administrator; Catherine Tinsley, Minutes Secretary

Public Information

Meeting Packet

Agenda

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Draft Gift Policy

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Abbreviations used

BOS Board of Selectmen

Welcome and Overview of Agenda

Mr. Wilhelm announced the passing of Wenham resident and long time Cemetery Commissioner, Dr. Barnard and offered the BOS condolences. The funeral arrangements were announced.

Mr. Whittaker stated for the record, that Selectman Wilson was participating remotely via telephone, as required by statute (a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other; (b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location.

Chairman Whittaker took the agenda out of order.

Representative Brad Hill was present and briefly updated the BOS regarding Chapter 90, roadway funds. He said that although the Legislature voted to raise Chapter 90 for fiscal year 2014, from \$200 million to \$300 million, the Governor only approved \$150 million. After lobbying for level funding, another \$50 million was allocated and Chapter 90 has been level funded for this fiscal year.

He went on to review that he and Senator Tarr were able to generate another \$10,000 for the War Memorial for fiscal year 2014. This is in addition to the \$5,000 received for fiscal year 2013.

War Memorial Committee members Peter Hersee, and Bruce Blanchard were present and thanked the Senator and Representative for their work and support.

The tentative ground breaking for the memorial is Veteran's Day, November 11, 2013.

The Committee is within \$6,700 of the goal to fund the memorial and donations are still being accepted.

Bruce Tarr arrived and expressed his confidence that the War Memorial would be completed, and recognized the local efforts to bring this to fruition.

Presentation by Guests

Gerry Donnellan, Topsfield Road, asked if the BOS have considered an outside provider e.g. ambulance service, for the Counsel of Aging transportation service when the joint contract with Hamilton ends in November. Chairman Whittaker responded that alternatives are under consideration.

Mr. Wilhelm observed that with the contract expiring soon, the Town needs to have an alternative plan to the van service within the next month.

Arthur Burt, Arbor Street, addressed the BOS about his interest in serving as an alternative member on the Zoning Board of Appeals. He has submitted a letter of interest to the Town Administrator's office.

Announcements

Mr. Wilson made the following announcements:

1. The COA Ice Cream Social is August 27, 2013 from 2 pm to 4 pm. This is free to Wenham senior residents.
2. Volunteers are needed for the following Committees:
 1. Historic Commission – Three members needed
 2. Conservation Commission – One member needed
3. Patton Park Public Meetings regarding the renovation of the Patton Park Pool (Hamilton) are scheduled for September 23rd, 30th, October 9th and November 4th.
4. Multiple Dystrophy Fundraiser (Boot Drive) Sunday Sept 8th from 8 AM to 11 AM – Fire Chief Blanchard was present and requested the BOS authorize the Fire Company to collect in the square on Main Street in front of the fire station. *Vote: Mr. Wilson moved, and it was seconded, the BOS approve the request from the Wenham Fire Company. The motion carried unanimously.*
5. Chairman Whittaker announced the BOS received two applications for the vacant seat on the Conservation Commission, and preliminary interest for the Cable TV Advisory Committee.
6. Harriet Davis has been nominated by Jim Howard, Chair of the Historic District Commission, HDC to serve on the Commission. *Vote: Mr. Wilson moved and it was seconded to appoint Harriet Davis to the HDC for a three-year appointment. The motion carried unanimously.*

New Business

Update on the Community Innovation Challenge Grant Program – Mr. Andrews introduced Tim Dodd, the State Program Manager of the Community Innovation Challenge Grant Program.

Wenham, Hamilton, and the HWRSD were the recipients of a joint grant of \$30,00 to look at a joint department of public works between the three entities.

Mr. Dodd spoke briefly about the grant program saying Wenham and Hamilton are already “ahead of the curve” in regional services. . The grant encourages communities to increase regional services. This grant goes to planning and implementation to invest capital in programs that share resources.

The third round of the program will be launched in September. An official announcement is forthcoming, with a response deadline in December and grants awarded in February. He noted other grants are available for different programs.

Mr. Andrews commented the importance of accessing these grants, and to view them as “local aid”.

Operation Safety Net - Police Chief Tom Perkins, Fire Chief Bob Blanchard, and Department of Public Works (DPW) Director Bill Tyack were present to speak about Operation Safety Net. The BOS was provided with information regarding the program.

Chief Perkins stated that the program is similar as last year and includes new initiative e.g. public notification, public outreach, enforcement, and partnership. This includes working with the schools, practicing drills, and training in the school

Chief Blanchard said the Fire Department also does drills with the schools, fire safety, and training.

Mr. Tyack added that crosswalks have been repainted, signage is up, and dangerous spots in town continue to be identified.

Mr. Whittaker asked that changes be documented for the public and the annual town report.

Mr. Andrews complimented the Police, Fire, and DPW for their hard work with Operation Safety Net.

Audit Review Committee - Mr. Wilhelm identified the audit committee as himself, Finance Chair Mike Lucy, and Town Administrator Andrews. This committee met last week with the auditors, Powers & Sullivan to talk about the scope of the audit and the findings of the preliminary-audit, noting there were no findings during this brief audit. The Committee expressed their concern with problems identified within the department last year and instructed Powers and Sullivan to confirm these problems were resolved and to specifically validate the separation of funds for the War Memorial and Cemetery Funds.

Subsequent to the meeting, Mr. Wilhelm noted that Town Counsel has stated the Town may not have a duly constituted an Audit Committee citing there is no Charter, no purpose, etc.

Mr. Wilhelm has offered to take the lead to formalize and draft a board chartered Audit Committee e.g. purpose, frequency of meetings, membership, etc.

John Clemenzi, Stage Hill Road, was recognized by the Chairman and asked what brought this to the attention of the Town Counsel at this time.

Mr. Wilhelm responded that he did not know. Chairman Whittaker said last year the Committee had questions about the responsibility of record keeping, what is the purpose of the committee and if it is subject to the Open Meeting Law, and documentation could not be found.

Special Town Meeting Draft Scheduled – Chairman Whittaker corrected the agenda saying that the Hamilton Development Corporation was listed on the agenda for discussion, and should be the Historic District Commission (HDC).

Three potential bylaw discussions include:

1. The HDC is proposing a new bylaw regarding the demolition of historical properties.
2. The Animal Control Bylaw (not a leash law) is designed to update the Town's Animal Control bylaw to be consistent with the State's Animal Control Laws.
3. To review and vote on the Government Study Committee recommendation

Chairman Whittaker opened discussion about whether these changes should be addressed at the fall town meeting or at the annual town meeting in the spring, noting he supports these be addressed at the annual town meeting to allow time for the public to fully understand the proposed changes.

Trudy Reid, Town Clerk stated her preference that the Animal Control bylaw be on the fall warrant citing this would allow the state time to approve the bylaw and the new fees be implemented in January when dog licenses are renewed. She added the State notified the Town of these changes in 2012 and recommended the town address this in 2013, adding it was not put on the annual town warrant this past spring.

A brief discussion of understanding the changes to the Bylaw ensued, and the BOS requested the Animal Control Officer be asked to speak on this issue.

Mr. Wilson opined that important decisions are historically made at the annual Town Meeting but that the timing to the changes is also important, and waiting to the annual town meeting is not always practical. In addition, he suggested the BOS start raising public awareness that the town can meet more than once a year to take action on practical matters. Regarding the HDC proposed changes; Ms. Davis was present, and as a member of the HDC, was asked to confer with the Commissioners on how the HDC wants to proceed with public hearings and notifications.

Chairman Whittaker proposed the HDC and GSC recommendation be held to the 2014 annual town meeting and the animal control bylaw be on the fall warrant.

In addition, on the fall town meeting warrant is the approval for the Schools to participate in the accelerated Massachusetts School Building Authority's accelerated repair program for Phase 2, Capital Planning, which reimburses the towns forty-two percent of the project costs. Mr. Andrews stated that Wenham and Hamilton are working closely with their town clerks to assure this gets on the fall town meeting warrant.

The Town Clerk said that Wenham's fall town meeting is tentatively set for November 5, 2013 and Hamilton's on November 4, 2013. Ms. Reid recommended to not setting the ballot question date until after the vote at the town meeting, explaining that if they scheduled a ballot vote before the town meeting vote, the town is required to hold the election even if the question is not approved.

The Town has 35 days to set a ballot election date after the vote, which means the ballot election could be December 12, or 17, 2013 or into 2014.

Mr. Andrews will confirm the options and timeline with HWRSD Superintendent Harvey.

At this time, the most important dates are open/closing of the warrant.

Michelle Bailey Remington Road suggested the attendance at the annual vs. fall town meeting varies depending on the warrant and that many residents leave early when the warrant is lengthy. She supported dividing the town business between the two meetings, as long as a fall town meeting is necessary. It was her opinion that the town is ready to be educated on the GSC recommendation, in time for a vote at the fall town meeting.

Appointment of Election Officers – Vote: Mr. Wilhelm moved, and it was seconded, in accordance to Wenham bylaws to appoint the twenty-one Election Officers and three Registrars to their respective offices. The motion carried unanimously.

Draft Gift Policy - Mr. Wilson reviewed the Gift Policy on the solicitation and acceptance of monetary and non-monarchy gifts for public purposes and to put in place formal guidelines for the BOS decision-making process on offers the Town may receive.

Mr. Andrews went on to say this was drafted with Counsel in preparation of a potential gift that may be made available from Cable Advisory Group to cover legal costs of the Cable TV License renewal.

This also covers a vast array of gifts that the town may receive. It was noted gifts to the town are tax deductible.

Chairman Whittaker identified he added real property to the list of categories, asking that Counsel reviews this before it is voted and that it is consistent with the statutory requirements and deferred the vote to the next meeting.

Special Envoy for Economic Development Bolder Lane – Chairman Whittaker deferred this to a subsequent meeting.

Town Appointment Process –Chairman Whittaker identified that the BOS now has an appropriate appointment process for town boards/committees.

He reviewed the process to start with the BOS announcing the position and receiving letters of interest. The BOS will forward applicant's information to that Board/Committee to be fully vetted. Any recommendations to appoint /not to appoint would be submitted to the BOS. The BOS is the voting authority and makes the final decision.

Town Administrator Evaluation Process – Chairman Whittaker reviewed the process to evaluate Mr. Andrews's performance and he has drafted a form, which was sent to the selectmen for review/comment.

The first review will be performed at the next BOS meeting. The BOS is soliciting public comments by August 29, 2013. Comments will be public but the source will be kept private, unless requested otherwise.

Inter-municipal Agreements (IMA's)– Chairman Whittaker summarized that Wenham and Hamilton are meeting in regards to the IMA's. The IMA's are being reviewed and updated. He went on to say that there is a difference of opinion regarding the payments of the library and COA van fees from Hamilton to Wenham as the administrative town. These continue to be discussed.

Mr. Wilhelm asked if there are any problems with the closing of the Emergency Center Operation IMAs. Mr. Andrews said it has not been addressed to date, but is on the list.

John Clemenzi, Stage Hill Road, was recognized by the Chair and questioned if Hamilton is holding money back from paying Wenham, and was informed the money has been encumbered.

Mike Lucy, Chair of Finance Committee, commented that there are a dozen or more IMAs, some are very detailed and date back 50 years. He said a schedule is being organized to review the agreements, but with the start of the budget season, the review will take time.

Sign Policy – Mr. Wilhelm gave an overview regarding the signs at the car barn lot on Main Street, noting there have been complaints e.g. number of signs and, duration of signs.

He read the policy goal to set guidelines for a sign policy to limit the number of signs to four, two public and two private.

The policy includes the enforcement of the length of time the sign can be posted, the organizations included, a permission process, etc.

Vote: Mr. Wilhelm moved, and it was seconded, to approve the Sign Policy. The motion carried unanimously.

Chairman Whittaker identified he received an additional complaint about the number of signs being posted around town on private property. He went on to say this is addressed in the Town's Zoning Code, but cautioned enforcing this, but rather request that residents limit the number of signs on their property.

Patton Park Meetings – Mr. Whittaker announced that Wenham was invited to participate in the renovation of the Patton Park pool in Hamilton, but has not taken a position at this time. He reminded residents of the public meetings that were previously announced.

Reports

Town Administrator - Mr. Andrews reported on a recent neighborhood meeting that took place regarding a pending group home to be located at 3 Woodside Lane, with Representative Brad Hill to address concerns with a recent permit issued by the building inspector. Lindsey Snavelly, 2 Woodside Lane was present and recognized by the Chair. She read a letter she wrote to Representative Hill and identified her concerns not addressed at that meeting. She related the answers she received from Representative Hill / Senator Tarr that the home is staffed 24 hours, a safety protocol plan is in place and on file with the town's public safety officials, and these are high functioning, working adults.

Finance Department Report – David Genereux, Interim Finance Director, was present and reported:

- Daily operations proceeding
- Same day posting of receipts
- No backlog of checks

He went on to say that he and Finance Department employee Leslie Davidson attended the Massachusetts Collector/Treasurer's Annual School. Mr. Genereux is a certified Treasurer/Collector but Ms. Davidson has six years of schooling to be certified as a Collector/Treasurer, which she intends to do. He went on to inform the BOS that a staff person in the Finance Department cannot obtain certification, rather the employee must be an Assistant Treasurer /Collector, work for a city/town for five years, and take the required courses. He asked the BOS to consider changing her title to Assistant Treasurer / Collector so her time can begin accruing.

David Genereux, Interim Finance Director, reported the cash reconciliations are completed through June and July accounts will be started this week in preparation for the audit. The benefit audits are complete and have been updated. He said with the weekly warrants, the warrants must be signed Tuesdays.

Regarding the redevelopment of the Town's web site, the Department Heads have reviewed and submitted comments. . A conference call will be set up with the web designers.

Johnson Controls – EBSCO update - Mr. Andrews said the town is working with Johnson Controls, under MGL Energy Service Corporations. Town Counsel has been requested to review the contract. The Evaluation Report was deferred to a September meeting.

Minutes - August 6, 2013

Mr. Wilhelm noted the minutes were not available August 16, 2013 for the packets and no action was taken. He informed the Selectmen that he asked the Minutes Secretary to send the draft minutes electronically to the Board prior to the meeting to allow more time for the other Selectmen to review the minutes.

Executive Session (ES) - 1. Employee Complaint 2. Burley Street Construction

VOTE: Mr. Wilson moved, and it was seconded, that the BOS enter into ES at 8:52 pm, according to Open Meeting Law, M.G.L. c. 30A, §§ 18-25 (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares for an Employee settlement request and to return to open session for the sole purpose of adjourning. The motion carried unanimously by roll call vote.

The BOS returned to open session at 9:02

VOTE: Mr. Wilhelm moved to adjourn at 9:02 pm and it was unanimous to do so.

Respectfully submitted by

Catherine Tinsley
8.23.13